

# **EXHIBIT E - PART 7**

- Donald Smith -

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1  
2 Q. Do you know what directives, if  
3 any, he looked at?

4 A. I don't recall.

5 Q. Did you ever speak with him about  
6 what suicide screening procedures he looked at?

7 A. I don't recall. But I'm sure it  
8 would have been the -- well, I don't recall.

9 Q. In other words, do you know if he  
10 looked at AmeriCor's procedures as well as the  
11 jail's?

12 A. AmeriCor -- the suicide actually  
13 happened -- the suicide happened -- I'm trying  
14 to think. AmeriCor was -- I'm trying to put  
15 this in perspective. AmeriCor was in place on 1  
16 July of 2003, so the suicide -- they were in  
17 place, but the mental health portion was not in  
18 place.

19 Q. So it's your belief that Perry  
20 would not have looked at AmeriCor's procedures?

21 A. I don't recall.

22 Q. Do you know if IG Perry looked in  
23 any way at the form that the county used for  
24 suicide screening, compared it to the state's  
25 form at all?

- Donald Smith -

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1  
2 A. I don't know. But if he had, we  
3 would have changed it then.

4 Q. With respect to the --

5 A. Let me say this. If he had and he  
6 had discerned there was a difference, we would  
7 have changed it then. So I don't know.

8 Q. With respect to the second  
9 paragraph, you referred to the correction  
10 officer being counseled regarding rounding off  
11 times. And then you state, "As part of our  
12 training in August it was again covered and the  
13 staff was instructed to record actual times."  
14 You see that?

15 A. Yes.

16 Q. You don't indicate there that the  
17 policy or procedure was changed with regard to  
18 recording actual time versus rounded off times?

19 A. No, I believe I found that out  
20 later, but I don't recall.

21 Q. But you know that that policy was  
22 in fact changed?

23 A. Yes. Because it was more than --  
24 it was more than just -- we wanted to make sure  
25 it was more than just one person, that it was

- Donald Smith -

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for everyone.

*(Recess held.)*

MS. BERG: I believe I have  
nothing further.

MR. KLEINBERG: I have no  
questions.

MR. COON: No questions.

MR. RANDAZZO: No questions.

(Time Noted: 4:24 p.m.)

o0o

1  
2 STATE OF NEW YORK )

3 ss:

4 COUNTY OF PUTNAM )  
5  
6

7 I, DONALD SMITH, the witness  
8 herein, having read the foregoing testimony of  
9 the pages of this deposition, do hereby certify  
10 it to be a true and correct transcript, subject  
11 to the corrections, if any, shown on the  
12 attached page.  
13  
14

15 o0o  
16  
17  
18

19 \_\_\_\_\_  
20 Donald Smith  
21

22 subscribed and sworn to before me  
23 this \_\_\_\_ day of \_\_\_\_\_, 2008.  
24  
25 \_\_\_\_\_

1  
2 STATE OF NEW YORK )  
3 ) ss  
4 COUNTY OF ROCKLAND )  
5

6 I, Gale Salit, Notary Public within  
7 and for the State of New York, do hereby  
8 certify:  
9

10 That I reported the proceedings in the  
11 within entitled matter, and that the within  
12 transcript is a true record of said  
13 proceedings.  
14

15 I further certify that I am not  
16 related to any of the parties to the action by  
17 blood or marriage, and that I am in no way  
18 interested in the outcome of this matter.  
19

20 IN WITNESS WHEREOF, I have hereunto  
21 set my hand this 22nd day of February, 2008.  
22

23 \_\_\_\_\_  
24 GALE SALIT,  
25 NOTARY PUBLIC

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\*\*\*I N D E X\*\*\*

PAGE#

LINE#

EXAMINATION BY:

MS. BERG

4

10

DOCUMENT/DATA REQUESTED:

NONE

PLAINTIFF'S EXHIBITS:

46 Inter-Office Memo,  
12/13/06

130

22

47 Letter, 10/29/04

179

22

DEFENDANT'S EXHIBITS:

NONE

RULINGS CONTEMPLATED:

NONE

CORRECTION SHEET

Re: Deposition of Donald Smith

The following corrections,  
additions or deletions were noted on the  
transcript of the testimony which I gave in the  
above-captioned matter, held on February 13,  
2008.

<u>PAGE(S)</u>	<u>LINE(S)</u>	<u>SHOULD READ</u>
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\_\_\_\_\_  
Donald Smith

Subscribed and sworn to before me

this \_\_\_\_ day of \_\_\_\_\_ 2008.



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